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19	UNITED STATES	DISTRICT COURT
20	NORTHERN DISTRI	ICT OF CALIFORNIA
21	CHASOM BROWN, WILLIAM BYATT,	Case No.: 5:20-cv-03664-LHK-SVK
22	JEREMY DAVIS, CHRISTOPHER	
	CASTILLO, and MONIQUE TRUJILLO	DECLARATION OF JAMES W. LEE IN
23	individually and on behalf of all similarly	SUPPORT OF PLAINTIFFS'
24	situated,	OPPOSITION TO GOOGLE LLC'S
24	Plaintiffs,	ADMINISTRATIVE MOTION TO ENLARGE TIME TO FILE ANSWER TO
25	riaminis,	SECOND AMENDED COMPLAINT
	VS.	SECOND AMENDED COMI EMINI
26	· · · - ·	(CIVIL LOCAL RULE 6-3)
27	GOOGLE LLC,	
28	Defendant.	

LEE DECL. ISO PLAINTIFFS' OPPOSITION Case No. 5:20-cv-03664-LHK-SVK

DECLARATION OF JAMES W. LEE

I,

7

I, James W. Lee, declare as follows.

- 1. I am a partner with the law firm of Boies Schiller Flexner LLP, counsel for Plaintiffs in this matter. I am an attorney appearing *pro hac vice* in this case. I have personal knowledge of the matters set forth herein and am competent to testify.
- 2. This case was first filed on June 2, 2020 and Plaintiffs filed their First Amended Complaint on September 21, 2020 (the "FAC"). Dkt. 68.
- 3. After the Court denied Google's motion to dismiss the FAC, the parties entered into a stipulation permitting Plaintiffs to file their Second Amended Complaint (the "SAC"), which the Court granted on April 15, 2021. Dkts. 136, 138.
- 4. After Plaintiffs filed their SAC, in July 2021 the parties engaged in discussions about Google's anticipated answer and affirmative defenses, particularly to at least the factual allegations and five causes of action from FAC which remained the same in the SAC. Google refused to provide an answer or affirmative defenses to the FAC.
- 5. Following the Court's denial of Google's motion to dismiss the SAC, Google's counsel and I met and conferred about the Case Management Schedule as well as Google's request for additional time to file an answer to the SAC.
- 6. I reiterated to Google that with fast-approaching deadlines, any agreement to extend Google's time to file an answer to the SAC would need to be part of a stipulation to a proposed modification of the Case Management Schedule.
- 7. Ultimately, the parties could not agree to the relief Plaintiffs sought, and Plaintiffs filed their Motion for Relief from Case Management Schedule on December 31, 2021. Dkt. 370. Google's counsel then requested a two-week extension to answer the SAC.
- 8. After considering Google's request, I quickly informed Google's counsel that Plaintiffs could not agree because "with discovery deadlines approaching, [Plaintiffs] will need Google to answer promptly so that [Plaintiffs] can proceed with any necessary discovery that may result."

1	9. Google has already taken the deposition of one class representative, and the	
2	depositions of at least two more class representatives are scheduled to occur between whe	
3	Google's answer and affirmative defenses would be due (currently January 5, 2021) and whe	
4	Google requests an extension (January 15, 2021, which falls on a Saturday). A fourth deposition	
5	of a class representative is scheduled to occur the following business day on Monday, January 1'	
6	2021.	
7	10. There is also an additional deposition of at least one Google employee scheduled	
8	to occur before January 15, 2021.	
9	11. Without the benefit of Google's answer and affirmative defenses, Plaintiffs are	
10	disadvantaged and without sufficient knowledge to ascertain what facts are in dispute, or ascertain	
11	what defenses Google may employ. This unduly burdens Plaintiffs' preparations for taking an	
12	defending depositions.	
13	I declare under penalty of perjury under the laws of the United States of America that the	
14	foregoing is true and correct. Executed this 3d day of January, 2022, at Miami, Florida.	
15	/s/ James W. Lee	
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